

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED OF OMAHA LIFE  
INSURANCE COMPANY,

Plaintiff,

vs.

ACASS SYSTEMS, LLC, et al.,

Defendants.

8:19-CV-234

MEMORANDUM AND ORDER

This matter is before the Court on the Bankruptcy Court's report and recommendation ([filing 46](#)) recommending withdrawal of the bankruptcy reference and disbursement of funds in the custody of the Court pursuant to the parties' settlement agreement, and defendant BizCapital BIDCO I, LLC's associated motion for the same ([filing 47](#)). The time for objecting to the report and recommendation has elapsed, *see* [NEGenR 1.5\(b\)\(2\)](#), and no objections have been filed. The failure to file an objection eliminates not only the need for de novo review, but *any* review by the Court. See [Leonard v. Dorsey & Whitney LLP](#), 553 F.3d 609 (8th Cir. 2009). Accordingly, the Court will adopt the report and recommendation and grant BizCapital's motion, disbursing the interpleaded funds in the Court's custody pursuant to the parties' settlement agreement ([bankruptcy case no. 18-81299 filing 259-1](#)).

IT IS ORDERED:

1. The report and recommendation of the United States Bankruptcy Judge ([filing 46](#)) recommending withdrawal of the reference is adopted.

2. Reference of this case to the United States Bankruptcy Court for the District of Nebraska is withdrawn.
3. Defendant BizCapital BIDCO I, LLC's motion for disbursement of deposited funds ([filing 47](#)) is granted pursuant to [NECivR 67.1](#).
4. The Clerk of the Court shall release the sum of \$3,600,000 via check payable to BizCapital BIDCO I, LLC, c/o:

Gross & Welch, P.C., L.L.O.  
Attn: Frederick D. Stehlik  
1500 Omaha Tower  
2120 South 72nd Street  
Omaha, NE 68124-2432

5. The Clerk of the Court shall release the sum of \$300,000 via check payable to Colleen Cass, c/o:

Pansing Hogan Ernst & Bachman LLP  
Attn: Edward D. Hotz  
10250 Regency Circle, Suite 300  
Omaha, NE 68114

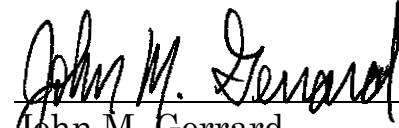
6. The Clerk of the Court shall release the balance of the interpleaded funds, including all accrued interest, to ACASS Systems' bankruptcy estate via check payable to James Overcash, Chapter 7 Trustee for ACASS-Systems, LLC, c/o:

Rembolt Ludtke LLP  
Attn: Timothy R. Engler  
3 Landmark Centre  
1128 Lincoln Mall, Suite 300  
Lincoln, NE 68508

7. A separate judgment shall be entered.

Dated this 19th day of May, 2020.

BY THE COURT:

A handwritten signature in black ink, reading "John M. Gerrard", written over a horizontal line.

John M. Gerrard  
Chief United States District Judge